
HALDIMAND COUNTY

Report PDD-33-2022 Haldimand County Zoning By-law HC 1-2020 General Update Amendments



For Consideration by Council in Committee on June 21, 2022

OBJECTIVE:

To consider general amendments to the Haldimand County Zoning By-law HC 1-2020 to address provisions that require revision, correct oversights, and ensure that the document is relevant and user friendly.

RECOMMENDATIONS:

1. THAT Report PDD-33-2022 Haldimand County Zoning By-law HC 1-2020 General Update Amendments be received;
2. AND THAT the proposed amendments to the Haldimand County Zoning By-law HC 1-2020 be approved for reasons outlined in Report PDD-33-2022;
3. AND THAT the Zoning By-law Amendment attached to Report PDD-33-2022 to amend the Haldimand County Zoning By-law HC 1-2020 be presented for enactment;
4. AND THAT the proposed amendments are deemed to be consistent with the Provincial Policy Statement 2020, the Provincial Growth Plan 2020 and other matters of provincial interest.

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Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

This report is being presented in conjunction with a public meeting to consider general text and mapping amendments to the Haldimand County Zoning By-law HC 1-2020, to correct operational items and improve the functionality of the document. The need for amendments has surfaced after the benefit of using the new County By-law on a day-to-day basis since its enactment in November 2020. Small errors, inconsistencies, and unintentional exclusions are common after the passage of a new comprehensive zoning by-law and typically surface once staff have had opportunity to utilize the new tool for a period of time. This is a subsequent update to a previous general amendment considered by Council in September 2021.

Planning staff are of the opinion that the proposed amendments are in conformity with the Provincial Policy Statement (2020), complies with the Provincial Growth Plan (2020), conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons set out within this report. Public notice was posted in the local newspaper within the County's coordinated ad and also through the County's website and social media platforms.

BACKGROUND:

The County's Comprehensive Zoning By-law (By-law) regulates properties and development within the County. The By-law was approved by Haldimand County Council on November 23, 2020 and replaced the County's three (3) previous Zoning By-laws (Town of Dunnville 1-DU 80, Town of Haldimand 1-H 86 and City of Nanticoke NE 1-2000) and created consistency across the municipality. Subsequent reports were presented to Council in September 2021 (PDD-41-2021 – Text Amendments) and December 2021 (PDD-54-2021 – Mapping Amendments) to consider general amendments to the By-law. This subject report contains both proposed text amendments as well as property specific zoning changes to address additional items that have been identified through use and application of the By-law. These general amendment reports, are considered appropriate from time-to-time to address operational issues and address provisions that were either overlooked in the original document, or have proven not to be effective or efficient in their use.

These items were identified through the daily use of the by-law and application to various development applications and inquiries. The series of changes proposed by staff are included in table format in the Analysis section below.

ANALYSIS:

Text Amendments

The amendments proposed by staff are generally housekeeping in nature. Given that the changes maintain the intent of the original provisions, whether through additional content, revised content or other, there are no policy implications – either Provincial or local (Official Plan). As such, staff are of the opinion that all changes maintain consistency with all applicable policy. The changes recommended by staff are as follows with the additions noted in **bold** text and deletions noted in ~~strikethrough~~:

Section	Current Provision	Proposed Change	Comment
2.3.2 More Than One Zone on a Lot	C) where a portion of a lot is zoned HL, such portion, except the area of land within a provincially significant wetland, may be used in the calculation of any required lot area provided any building other than a boathouse is located outside of the HL zone and sufficient land is available to support a private sewage disposal system, if required, to the satisfaction of the County.	Delete this clause and renumber the balance of the clause as appropriate.	The Haldimand County Zoning By-law no longer contains a HL Zone and therefore this item is not required within the By-law.

2.3.2 More Than One Zone on a Lot	e) where the main use is wholly situated in one zone, a residential accessory structure or use may be permitted in the other zone provided it meets all provisions of Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses).	e) where the main use is wholly situated in one zone, an residential accessory structure or use may be permitted in the other zone provided it meets all provisions of Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses) or 4.3 (Accessory Uses, Buildings and Structures to Non-Residential Uses)	This change is intended to increase the flexibility for properties and permit accessory buildings for both residential and non-residential uses on a single parcel where there may be split zoning. Currently it is only permitted for residential uses.
3 – Definition	“ACCESSORY BUILDING OR STRUCTURE” shall mean a detached building or structure used for an accessory use, such as a detached private garage or the storage or shelter of materials, equipment or other items, but shall not contain a dwelling unit or a habitable room.	“ACCESSORY BUILDING OR STRUCTURE” shall mean a detached building or structure used for an accessory use, such as a detached private garage or the storage or shelter of materials, equipment or other items, but shall not contain a dwelling unit or a habitable room other than a secondary suite.	The addition of other than a secondary suite provides for the flexibility for secondary suites and accessory residential units within accessory buildings.
4.2 Accessory Buildings and Structures to Residential Uses	b) exceed a building height of 4.5 metres in the Residential Zones and 6.5 metres in all other zones where the use is permitted;	b) exceed a building height of 4.5 metres in R1, R2, R3, R4, R5, R6 and RL zones Residential Zones and 6.5 metres in all other zones where the use is permitted;	This change will permit an accessory building or structure height of 6.5 metres in the Hamlet Residential RH zone. This was the height that was previously permitted under the former township by-laws. The 6.5 metres is considered appropriate given the typical larger lot sizes in the hamlets.

4.55 Secondary Suites – Permitted dwelling types	i) The secondary suite may be contained within the principal dwelling or in an attached or detached accessory structure on the lot associated with a single-detached or semi-detached dwelling.	i) The secondary suite may be contained within the principal dwelling or in an attached or detached accessory structure or in a standalone structure on the lot associated with a single-detached or semi-detached dwelling.	The inclusion to permit as a standalone structure will allow for increased opportunities for secondary suites and provide flexibility that the property owner does not have to construct an accessory garage to allow for the secondary residential unit.
4.55 Secondary Suites – Maximum secondary suite size (per unit)	i) No greater than 40% of the gross floor area of the principal residential dwelling on the lot, up to a maximum size of 100 square metres	<p>i) No greater than 40% of the gross floor area of the principal residential dwelling on the lot, up to a maximum size of 100 square metres if secondary suite is located within the primary dwelling; or</p> <p>ii) No greater than 40% of the gross floor area of the principal residential dwelling on the lot, up to a maximum size of 75 square metres for accessory secondary suites in R1, R2, R3 zones;</p> <p>iii) No greater than 40% of the gross floor area of the principal residential dwelling on the lot, up to a maximum size of 100 square metres for accessory secondary suites in A and RH zones</p>	The change to this provision will recognize the different circumstances for secondary suite locations between urban and rural settings as well as size considerations for secondary suites that are separate to the primary dwelling (located in a separate building) and those contained within the primary dwelling. It is envisioned to allow flexibility for the additional residential units to be permitted, while maintaining compatibility considerations for the neighbourhood.

4.55 Secondary Suites – General Provisions	v) The secondary suite is to be sited in close proximity to the principal farm residence or building cluster, if located on a farm.	v) The secondary suite shall be located within 30 metres of the primary residential or farm building cluster if located on a farm.	The intent of this change is to include locational criteria that is measurable and definable. The previous working of <i>close proximity</i> was too vague and not applicable from a zoning provision perspective.
4.55 Secondary Suites – Detached secondary suites provisions (per unit)	ii) Detached secondary suites shall only be permitted on a lot that has a minimum lot area equal to or greater than 1,000 square metres.	Delete this provision and renumber section accordingly.	This provision limits opportunities for secondary suites. If a lot can accommodate a secondary suite and comply with the other zoning provisions, lot size should not be a limiting factor for development.
7.1 Permitted Uses in the Commercial and Mixed Use Zones	c) Marine Commercial (CM) and Industrial Uses – Tourist Cabin	Tourist Cabin *A	By including the A it will require the use, Tourist Cabin, is only permitted as an accessory use to another permitted use. Currently a single tourist cabin can be erected on a single lot within the CM Zone, which essentially allows a residential use within a commercial area and where standalone residential was not intended.

Mapping Amendments

The mapping amendments proposed are also generally housekeeping in nature and intended to be reflective of existing uses on the ground and function on the various properties and to better align with the Official Plan designation of each property. Given that the changes maintain the intent of the original provisions or properties specifically, recognize existing uses and/or reflect the overarching Official Plan policy framework, there are no policy implications – either Provincial or local (Official Plan). As such, staff are of the opinion that all changes maintain consistency with all applicable policy.

Property Roll Number	Location	Previous Zone	Current Zone	Proposed Zone	Comment
02500200435	Mohawk Heights Estates, Lakeridge Blvd., Sherbrooke	HL	RL	OS	The parcel was previously zoned HL and when that specific zone was removed from the by-law, the zone of adjacent parcels was applied. However, this parcel is intended to function as open space for the Mohawk Heights subdivision and the association wants to ensure that the intent of the lot is maintained for amenity space. This will also keep consistent with the zone for the entirety of the parcel.
02100306900	67 Dover Street, Port Maitland	RH	RH/RL	RH	This property currently is split zone between the RL and RH zones. The amendment will rezone the portion currently zoned RL to RH to create consistency across the entirety of the parcel.
02400607600	322-324 Forest St. West, Dunnville	R3	R2	R3	There is an existing four-plex on the property that the current R2 zoning does not recognize. The change back to the original R3 zone will continue to allow the existing use and function of the property.

15200316803	Avalon Subdivision, Caledonia	HL	D	OS 36.395	When the Comprehensive Haldimand County Zoning By-law was passed the HL Zone was removed and included as an overlay, and as a result the HL zone got changed into a Development (D) zone within the urban area of Caledonia. This change to OS with Special Provision 36.395 will be representative of the zoning in the subdivision and the function of the lands which are considered woodlands and valleylands. They are not suitable for development.
15100405100	McClung South Subdivision, Caledonia	HL	D	OS 36.457	Similar to the previous item for Avalon, the subject lands were changed from HL zone to Development (D) zone within the urban area of Caledonia based on the removal of the HL zone. The proposed rezoning to OS with Special Provision 36.457 will be representative of the zoning in the subdivision and the function of the lands which are considered woodlands and valleylands. They are not suitable for development.

All of the above noted amendments are considered to be appropriate in terms of the context of the subject parcels, consistent with existing and adjacent lands uses and in conformity with both Provincial legislation and the Haldimand County Official Plan.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

These amendments were raised and discussed through operational use of the by-law by Building and Planning staff. The amendments have been reviewed and are considered to improve the functionality of the by-law and applicability of the provisions. Additionally, any of the property specific mapping amendments were completed in consultation with the property owner.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [Haldimand County Zoning By-law HC 1-2020](#)

ATTACHMENTS:

1. Draft By-law – Text Amendments.
2. Draft By-law Mapping Update – 025002004350000.
3. Draft By-law Mapping Update – 021003069000000.
4. Draft By-law Mapping Update – 024006076000000.
5. Draft By-law Mapping Update – 152003168030000.
6. Draft By-law Mapping Update – 151004051000000.